

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2085.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	January 20, 2004
DATE OF REPORT:	February 11, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 12, 2004

COMPLAINT ISSUES:

Whether the Mt. Vernon Community School Corporation and the Hancock-South Madison Joint Services violated:

511 IAC 7-25-4 by failing to follow procedures for conducting an initial educational evaluation within sixty instructional days.

FINDINGS OF FACT:

1. The Student is nine years old and has been formally referred for an educational evaluation to determine the nature and extent of a suspected disability, but not yet determined eligible for special education and related services.
2. On September 17, 2003, the Student's parent signed a Permission for Evaluation form. The parent's written and dated consent was received by certified personnel on the same day.
3. Sixty instructional days from September 17, 2003, was December 16, 2003. (School was not in session on the following days: October 23 and 24, 2003; November 27 and 28, 2003.)
4. The comprehensive educational evaluation included a behavioral/emotional evaluation incorporating behavior rating scales to be completed by school personnel. The rating scales were not received in the special education joint services office until December 18, 2003.
5. As of the date this Complaint was filed (January 20, 2004), the case conference committee (CCC) meeting had not been held. The School acknowledges that the timelines for conducting the evaluation and convening the CCC were not met.
6. The following student-specific, voluntary corrective action has been taken:
 - a. A CCC meeting was scheduled for January 26, 2004. The School Corporation was closed on that day, due to inclement weather.
 - b. The CCC meeting was tentatively rescheduled for February 2, 2004. The Parent cancelled this CCC meeting, due to short notice.
 - c. The CCC meeting was rescheduled for February 12, 2004, a mutually agreed upon date.
7. The following general, voluntary corrective action has been taken:

- a. Procedures have been revised, and forms created, for notification and periodic reminders to school personnel regarding their responsibilities for providing data and information in connection with educational evaluations.
- b. Prior to the filing of this Complaint, the following actions had been taken to achieve and maintain compliance with the 60-day timeline: On a weekly basis, each school psychologist is given an updated referral list; school psychologists have been given extended contracts to do testing during the summer; and a school psychologist was added to the staff in 2003-2004.

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, and #5 indicate that the School failed to conduct the initial education evaluation and convene the case conference committee within sixty instructional days of the date written parent consent was received by certified personnel. Therefore, a violation of 511 IAC 7-25-4 occurred. However, Findings of Fact #6 and #7 indicate that appropriate corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires no additional corrective action based upon the Findings of Fact and Conclusions listed above.